

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, INC.
Petitioner

v.

INTELLECTUAL VENTURES II, LLC
Patent Owner

U.S. Patent No. 6,968,459
IPR2016-01404

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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LIST OF EXHIBITS

- Exhibit 1001. U.S. Patent No. 6,968,459 to Jeffrey Morgan, et al. (“the ’459 Patent”).
- Exhibit 1002. Declaration of Expert: Dr. Paul Franzon.
- Exhibit 1003. Excerpts of Prosecution History for U.S. Patent No. 6,968,459.
- Exhibit 1004. U.S. Patent No. 5,533,125 to Daniel Bensimon, et al. (“*Bensimon*”).
- Exhibit 1005. U.S. Patent No. 5,825,878 Richard Takahashi, et al. (“*Takahashi*”).
- Exhibit 1006. U.S. Patent No. 5,237,609 to Masatoshi Kimura (“*Kimura*”).
- Exhibit 1007. Petitioner’s Voluntary Interrogatory Responses.
- Exhibit 1008. U.S. Patent No. 6,738,877 to Yamakawa et al. (“*Yamakawa*”).
- Exhibit 1009. U.S. Patent No. 6,012,145 to Mathers et al. (“*Mathers*”).
- Exhibit 1010. Curriculum Vitae of Dr. Paul Franzon.
- Exhibit 1011. Transcript of 8/25/2017 Deposition of Dr. Goldschlag (newly submitted).
- Exhibit 1012. Supplemental Declaration of Dr. Franzon (newly submitted).
- Exhibit 1013. Excerpt of *Microsoft Computer Dictionary* (newly submitted).
- Exhibit 1014. Excerpts of *Merriam Webster’s Collegiate® Dictionary* (newly submitted).

TABLE OF AUTHORITIES

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I. INTRODUCTION

This Reply responds to Patent Owner's Response to the Petition filed May 16, 2017 (Paper 19). For the reasons below, Petitioner requests the Board to cancel challenged claims 1, 2 13, 14, 33, 34, 39, 46, and 48.

Rather than moving to amend its claims,¹ Patent Owner tries to rewrite them through argument and claim construction. Patent Owner proposes to construe "device-specific security information" as "information that is unique to the storage device and used to secure access to the storage device." Paper 19 at 7 (emphasis added). This construction wrongly reads out the broader term "specific" and replaces it with the narrower tem "unique." *See* Paper 9, 6-7 (Board finding that construction is not necessary); Paper 2 at 11-13 (Petitioner proposing a construction consistent with the claim language that does not read "specific" out of the claims). Additionally, Patent Owner and its expert improperly attempt to import the characteristics of examples of allegedly-unique types of "device-specific security information" from the specification into the claims.

¹ *See* 77 Fed. Reg. 48764 (Aug. 14, 2012) ("Should the Patent Owner, to avoid the prior art, contend that a claim term has a construction different from its broadest reasonable interpretation, the appropriate course is for the Patent Owner to seek to amend the claim to expressly correspond to its contentions in this proceeding.").

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